

REMARKS

Claims 1-45 are pending. No claims have been added or cancelled, although claims 1, 38, 40, 41, and 45 have been amended to claim certain commercially significant embodiments of the invention with greater particularity. Specifically, claims 1 and 38 have been amended to reflect the automated, computerized nature of certain preferred embodiments of the invention. The specification and original claims are replete with support for these amendments. See, e.g., specification page 9, line 11, and claims 38, 40, 41, and 45. These claims have also been amended to clarify that the claimed methods and systems are useful in identifying a component in a biological sample. Independent claims 1, 38, 40, 41, and 45 have also been amended to reflect that a residual baseline can be generated by removing putative peaks from the intermediate data set. Support for these amendments is found in the specification at, e.g., page 18, line 4 through page 19, line 14, and Figures 22-24. Also, claims 9, 23- 26, 33, and 43 have been amended to correct typographical errors, to ensure consistent use of terminology in the claims, and, in some instances, to correct dependence.

The foregoing amendments are introduced for the sole purpose of facilitating prosecution, and are not related to reasons of patentability. Applicant thus reserves the right to pursue subject matter no longer or not yet claimed in this or a related application. Furthermore, these amendments add no new matter and are fully supported by the specification and claims as originally filed.

Applicant requests reconsideration in view of the following remarks.

35 U.S.C. § 112

Claims 1-45 have been rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to enable all uses of putative peaks to remove residual baseline effects from an intermediate data set. While Applicant disagrees with this assertion, he notes that, as amended, the pending claims now recite that a residual baseline is generated by removing putative peaks from an intermediate data set. Applicant respectfully submits that such amendments obviate this rejection.

Independent claims 1, 38, 41, and 45 have also been rejected as lacking enablement for data sets other than those derived by mass spectrometry. Applicant also traverses this

rejection because those of ordinary skill in the art would be able to readily adapt the instant specification's teachings with regard to data sets derived from mass spectrometers to data sets derived from other types of test instruments. As will be appreciated, the claimed methods and systems are all computer-based. It is not necessary for Applicant to teach the ordinarily skilled artisan how to convert data from a test instrument (e.g., a mass spectrometer, an automated DNA sequencer, etc.) into a data stream suitable for computer-based analyses, as such techniques are well known in the art. Indeed, any suitable approach for generating a computer-readable data set representing components in a biological sample can be employed. For this reason, Applicant respectfully submits that the claimed invention is, in fact, enabled for any and all methods of generating computer readable data sets suitable for use in conjunction with the claimed methods and systems. As such, this 35 U.S.C. § 112, first paragraph, rejection should also be withdrawn.

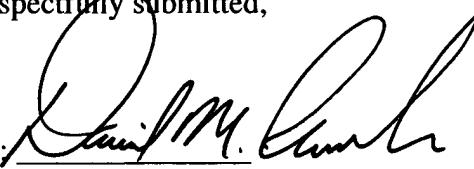
CONCLUSION

Herein, Applicant has amended some of the pending claims, and Applicant respectfully submits that he has also demonstrated the patentability of the invention as claimed. Accordingly, Applicant respectfully submits that all claims are in condition for allowance, and an early notice to such effect is earnestly solicited. Should any issues or questions remain, the Examiner is encouraged to telephone the undersigned at 858.735.7090 so that they may be promptly resolved.

Respectfully submitted,

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